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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/787,289 | 03/15/2001 | Koji Imura | L 9289.01121 | 6220 |

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| EXAMINER | |
|---|---|
| RAO, ANAND SHASHIKANT | |
| **ART UNIT** | **PAPER NUMBER** |
| 2613 | 9 |

DATE MAILED: 03/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

| Office Action Summary | Application No. | Applicant(s) | |
|---|---|---|---|
| | 09/787,289 | IMURA, KOJI | |
| | Examiner | Art Unit | |
| | Andy S. Rao | 2613 | |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☒ Responsive to communication(s) filed on *09 January 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) *1-11* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☐ Claim(s) _____ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date 6.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

**DETAILED ACTION**

***Response to Request for Reconsideration***

1. Applicant can rely upon the foreign priority papers to overcome this rejection because a translation of said papers has been made of record in accordance with 37 CFR 1.55. See MPEP § 201.15, said certified translation being submitted with Paper 8 on 1/9/04.

2. Applicant's arguments with respect to claims 1-11 as filed in Paper 8 on 1/9/04 have been considered but are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-11 are rejected under 35 U.S.C. 102(b) as being anticipated by Pearlstein et al., (hereinafter referred to as "Pearlstein").

Pearlstein discloses a coding apparatus of a time varying image signal (Pearlstein: figure 2), said apparatus comprising : intra-coding means for performing intra-coding (Pearlstein: column 6, lines 40-50) in which coded block formed by division of a time-varying image signal to a plurality of blocks are coded as they are (Pearlstein: column 6, lines 51-61); and a coding controlling means for performing control of coding (Pearlstein: column 6, lines 30-40) so that successive intra-coding of N pictures are performed from a beginning of a communication (Pearlstein: column 8, lines 40-67; column 9, lines 1-10), as in claim 1.

Regarding claim 2, Pearlstein discloses coding control means makes picture qualities of (N-1) rough and the Nth picture fine (Pearlstein: column 7, lines 1-10), as in the claim.

Pearlstein discloses a base station apparatus including a coding apparatus of a time varying signal (Pearlstein: figure 2; column 8, lines 20-25), said coding apparatus comprising : intra-coding means for performing intra-coding (Pearlstein: column 6, lines 40-50) in which coded block formed by division of a time-varying image signal to a plurality of blocks are coded as they are (Pearlstein: column 6, lines 51-61); and a coding controlling means for performing control of coding (Pearlstein: column 6, lines 30-40) so that successive intra-coding of N pictures are performed from a beginning of a communication (Pearlstein: column 8, lines 40-67; column 9, lines 1-10), as in claim 3.

Pearlstein discloses a communication terminal including a coding apparatus of time-varying image signal (Pearlstein: figure 2; column 8, lines 20-25), said coding apparatus comprising : intra-coding means for performing intra-coding (Pearlstein: column 6, lines 40-50) in which coded block formed by division of a time-varying image signal to a plurality of blocks are coded as they are (Pearlstein: column 6, lines 51-61); and a coding controlling means for performing control of coding (Pearlstein: column 6, lines 30-40) so that successive intra-coding of N pictures are performed from a beginning of a communication (Pearlstein: column 8, lines 40-67; column 9, lines 1-10), as in claim 4.

Pearlstein discloses a decoding apparatus of a time-varying image signal (Pearlstein: figure 2), said apparatus comprising: decoding means for decoding an image-coded data (Pearlstein: column 8, lines 30-40); memorizing means for memorizing position information of a coded block in a time-varying image signal (Pearlstein: column 8, lines 45-48), the coded block

corresponding to an image-coded data that could not be correctly decoded owing to a transmission error (Pearlstein: column 9, lines 43-59), in a case where said image-coded data is an image-coded data after performing of intra-coding thereof (Pearlstein: column 10, lines 1-10); and requiring for ascertaining whether a coded block that could not correctly be decoded even once exists in said memorizing means or not when a first image-coded data after performing of motion compensated prediction thereof from a beginning of communication is received (Pearlstein: column 10, lines 11-25), and for requiring transmission of a picture after performing of intra-coding thereof when existence of the coded block, which has not been decoded correctly, is ascertained (Pearlstein: column 8, lines 49-55), as in claim 5.

Regarding claim 6, Pearlstein discloses not performing decoding of the image-coded data after performing of the motion compensation prediction coding thereof in a case where the coded that could not correctly be coded even once exists in said memorizing means when the first image-coded data after performing of the motion compensation prediction coding from the beginning of the communication is received (Pearlstein: column 10, lines 10-15), as in the claim.

Pearlstein discloses a base station (Pearlstein: column 8, lines 20-25) including a decoding apparatus of a time-varying image signal (Pearlstein: figure 2), said decoding apparatus comprising: decoding means for decoding an image-coded data (Pearlstein: column 8, lines 30-40); memorizing means for memorizing position information of a coded block in a time-varying image signal (Pearlstein: column 8, lines 45-48), the coded block corresponding to an image-coded data that could not be correctly decoded owing to a transmission error (Pearlstein: column 9, lines 43-59), in a case where said image-coded data is an image-coded data after performing of intra-coding thereof (Pearlstein: column 10, lines 1-10); and requiring for ascertaining whether a

coded block that could not correctly be decoded even once exists in said memorizing means or not when a first image-coded data after performing of motion compensated prediction thereof from a beginning of communication is received (Pearlstein: column 10, lines 11-25), and for requiring transmission of a picture after performing of intra-coding thereof when existence of the coded block, which has not been decoded correctly, is ascertained (Pearlstein: column 8, lines 49-55), as in claim 7.

Pearlstein discloses a communications terminal (Pearlstein: column 8, lines 20-25) including a decoding apparatus of a time-varying image signal (Pearlstein: figure 2), said decoding apparatus comprising: decoding means for decoding an image-coded data (Pearlstein: column 8, lines 30-40); memorizing means for memorizing position information of a coded block in a time-varying image signal (Pearlstein: column 8, lines 45-48), the coded block corresponding to an image-coded data that could not be correctly decoded owing to a transmission error (Pearlstein: column 9, lines 43-59), in a case where said image-coded data is an image-coded data after performing of intra-coding thereof (Pearlstein: column 10, lines 1-10); and requiring for ascertaining whether a coded block that could not correctly be decoded even once exists in said memorizing means or not when a first image-coded data after performing of motion compensated prediction thereof from a beginning of communication is received (Pearlstein: column 10, lines 11-25), and for requiring transmission of a picture after performing of intra-coding thereof when existence of the coded block, which has not been decoded correctly, is ascertained (Pearlstein: column 8, lines 49-55), as in claim 8.

Pearlstein discloses a coding method of a time varying image signal (Pearlstein: figure 3 column 10, lines 48-60), said method comprising : an intra-coding step for performing intra-

coding (Pearlstein: column 6, lines 40-50) in which coded block formed by division of a time-varying image signal to a plurality of blocks are coded as they are (Pearlstein: column 6, lines 51-60); and a coding controlling step for performing control of coding (Pearlstein: column 6, lines 30-40) so that successive intra-coding of N pictures are performed from a beginning of a communication (Pearlstein: column 8, lines 40-67; column 9, lines 1-10), as in claim 9.

Pearlstein discloses a decoding method of a time-varying image signal (Pearlstein: column 11, lines 20-45), said method comprising: a decoding step for decoding an image-coded data (Pearlstein: column 8, lines 30-40); a memorizing step for memorizing position information of a coded block in a time-varying image signal (Pearlstein: column 8, lines 45-48), the coded block corresponding to an image-coded data that could not be correctly decoded owing to a transmission error (Pearlstein: column 9, lines 43-59), in a case where said image-coded data is an image-coded data after performing of intra-coding thereof (Pearlstein: column 10, lines 1-10); and a requiring step for ascertaining whether a coded block that could not correctly be decoded even once exists in said memorizing step or not when a first image-coded data after performing of motion compensated prediction thereof from a beginning of communication is received (Pearlstein: column 10, lines 11-25), and for requiring transmission of a picture after performing of intra-coding thereof when existence of the coded block, which has not been decoded correctly, is ascertained (Pearlstein: column 8, lines 49-55), as in claim 10.

Regarding claim 11, Pearlstein discloses not performing decoding of the image-coded data after performing of the motion compensation prediction coding thereof in a case where the coded that could not correctly be coded even once exists in said memorizing means when the

first image-coded data after performing of the motion compensation prediction coding from the beginning of the communication is received (Pearlstein: column 10, lines 10-15), as in the claim.

***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Fukunaga discloses a picture decoder for a picture transmission system.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andy S. Rao whose telephone number is (703)-305-4813. The examiner can normally be reached on Monday-Friday 8 hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris S. Kelley can be reached on (703)-305-4856. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Andy S. Rao
Primary Examiner
Art Unit 2613

ANDY RAO
PRIMARY EXAMINER

asr
March 19, 2004